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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,095	12/01/2000	Dario de Judicibus	GB920000002US1	4536

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THE LAW OFFICE OF IDO TUCHMAN
69-60 108ST., SUITE 503
FOREST HILLS, NY 11375

EXAMINER

MAHMOUDI, HASSAN

ART UNIT	PAPER NUMBER
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2165

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/728,095

Applicant(s)

JUDICIBUS, DARIO DE

Examiner

Tony Mahmoudi

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18, 19, 21-23, 25-27 and 29-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18, 19, 22, 23, 26, 27 and 30-32 is/are rejected.
- 7) ☒ Claim(s) 21, 25 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Remarks

1. In view of the Appeal Brief filed on 29-July-2005, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Claims 18-19, 21-23, 25-27 and 30-32 are presently pending in the application, of which, claims 18, 22 and 26 are presented in independent form.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 18-19, 21-23, 25-27 and 29-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claims 18 (in line 4), 22 (in line 4), and 26 (in line 7) recite the limitation "may contain". The term "may" renders the claim indefinite. There is no indication as to whether or not the limitation(s) following the term "may" is/are indeed part of the invention.

Claims 19, 21 and 30 are rejected under 35 U.S.C. 112, second paragraph, as being dependents from the rejected independent claim 18.

Claims 23, 25 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being dependents from the rejected independent claim 22.

Claims 27, 29 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being dependents from the rejected independent claim 26.

Appropriate corrections are required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that said subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 18-19, 22-23, 26-27 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai (U.S. Publication No. 2002/0107838 A1) in view of Prakash (U.S. Publication No. 2002/0123984 A1.)

As to claim 18, Tsai teaches a method for finding a query solution in a data space (see Abstract and see paragraphs 32 and 127), the method comprising:

performing an initial query such that a sub-space within the data space is defined (see paragraphs 14, 54 and 60-61) that may contain the solution (applicant is referred to paragraphs 3-4 of this Office Action with respect to the indefinite language in the recitation of the term “may”); and

searching for the solution outside the sub-space (see paragraph 60, where “outside the sub-space” is read on “space beyond the immediate contents of the fragment database”) without performing another query (see paragraph 60, where expansion of search space is taught. Tsai does not teach that “another query” needs to be performed for the expansion of the search space, therefore, it satisfies the claim limitation of “without performing another query”.)

Tsai does not teach wherein the query includes one or more conditional attributes and one or more display attributes.

Prakash teaches a method and system for dynamic querying of server applications (see Abstract), in which he teaches wherein the query includes one or more conditional attributes and one or more display attributes (see paragraphs 12, 18 and 39.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Tsai by the teaching of Prakash, because including wherein the query includes one or more conditional attributes and one or more display attributes, would enable the user to search a database and be able to define search criteria (via conditional attributes) by which the desired search results (via the display attributes) would be achieved. In other words, using conditional attributes in database queries enables the database system to define “what information” is to be displayed and using display attributes enables the system as to determine “when” the information is to be displayed.

As to claims 19, 23, and 27, Tsai as modified, teaches wherein searching for the solution outside the sub-space without performing another query includes graphically navigating outside the sub-space (see Tsai, figures 44 and 45 and see paragraphs 151-155.)

As to claims 30-32, Tsai as modified, teaches wherein the initial query is a Structured Query Language (SQL) query (see Tsai, paragraphs 116 and 127, and see Prakash, paragraph 40.)

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As to claim 22, Tsai teaches a system for finding a query solution in a data space (see Abstract and see paragraphs 7-8, 17, 32 and 127), the system comprising:

an initial query such that a sub-space within the data space is defined (see paragraphs 14, 54 and 60-61) that may contain the solution (applicant is referred to paragraphs 3-4 of this

Office Action with respect to the indefinite language in the recitation of the term “may”); and

a space navigator configured to search for the solution outside the sub-space (see paragraph 60, where “outside the sub-space” is read on “space beyond the immediate contents of the fragment database”) without performing another query (see paragraph 60, where expansion of search space is taught. Tsai does not teach that “another query” needs to be performed for the expansion of the search space, therefore, it satisfies the claim limitation of “without performing another query”.)

For the teaching of “wherein the query includes one or more conditional attributes and one or more display attributes”, the applicant is kindly directed to the remarks and discussions made in claim 18 above.

As to claim 26, Tsai teaches a computer program product embodied in a tangible media comprising computer readable program codes (it is inherent that a computerized “method”, “system”, and “data structure” require “program code” tangibly embodied on a “readable media” which is executed by the computer to perform computerized functions).

For the remaining steps of claim 26, the applicant is kindly directed to the remarks and discussions made in claims 18 and 22 above.

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Allowable Subject Matter

7. Claim 21, 25 and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Appellants are kindly reminded of the rejections made under 35 U.S.C. 112, second paragraph in sections 3-4 of this Office Action. Any future decision to allow the above referenced claims requires overcoming the pending rejections.

Response to Arguments

8. Appellants' arguments filed on 29-July-2005 with respect to the rejected claims in view of the cited references have been fully considered but they are moot in view of the new grounds of rejection.

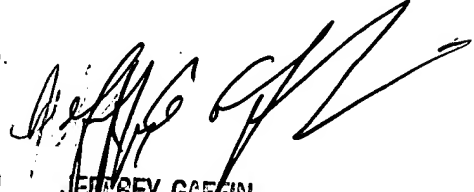
Conclusion

9. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (571) 272-4078. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Gaffin, can be reached at (571) 272-4146.

tm

October 3, 2005


JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 216